

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAIR HUGGER FORCED
AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This document relates to:

Judge: Joan N. Ericksen
Mag. Judge: Franklin L. Noel

Six v. 3M Company, et al.
Cause No. 17-cv-01494

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

COMES NOW Plaintiff John T. Six and in response to Defendants Motion to Dismiss for failure to comply with Pre-Trial Order 14 (1240, 1241), states:


1. Counsel for Plaintiff has been advised of alleged deficiencies in the submitted Plaintiff Fact Sheet (PFS).
2. Plaintiff and his counsel have repeatedly attempted to correct the deficiencies, as is evidenced by the multiple PFS forms submitted. Despite multiple attempts (six total through March 23, 2018), Defendants continued to report deficiencies.
3. Counsel for Plaintiff repeatedly contacted Plaintiff's liaison counsel to attempt to determine the nature of the alleged deficiencies. See Exhibit 1 attached hereto.
4. The notices of core deficiencies sent to Plaintiff's Counsel merely notified Plaintiff that a section was incomplete. Not how it was incomplete or what additional information was needed. See Exhibit 2 attached hereto.
5. It was not until the addendum to this Motion that the explicit nature of the

deficiencies was detailed. With regard to this Plaintiff the PFS deficiencies were:

- a. No address for Plaintiff's self-employment.
 - b. No date for when the use of the Bair Hugger was found. Plaintiff had listed that the undersigned counsel had determined the Bair Hugger was used, but not the specific date.
 - c. No date was provided for onset of emotional distress.
 - d. A newly signed verification page was not submitted.
6. With regard to these deficiencies, they are de minimus at their worst. As of this Response, these specific deficiencies have been corrected and an amended PFS served.
7. Given the nature of the deficiencies and Plaintiff's repeated good faith attempts to cure them, Plaintiff requests this Court deny Defendants Motion to Dismiss with Prejudice.

WHEREFORE, Plaintiff John T. Six prays this Court deny Defendants Motion to Dismiss with Prejudice.

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